

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

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| RANDALL BINGHAM, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Case No. 1:08-cv-152 (WLS) |
| | : | |
| KEITH BUTLER, | : | |
| | : | |
| Defendants. | : | |
| _____ | : | |

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed August 27, 2012. (Doc. 74.) It is recommended that Petitioner's 42 U.S.C. § 1983 action be dismissed because Plaintiff failed to provide a current address for Defendant Keith Butler, who has never been served with a complaint in this case. (*Id.*)

The Report and Recommendation provided the Parties with fourteen (14) days¹ from the date of its service to file written objections to the recommendations therein. (*Id.*). The period for filing objections expired on Thursday, August 13, 2012; no objections have been filed to date. (*See* Docket.)

Upon full review and consideration of the record, and in view of the absence of an objection on the record, the Court finds that U.S. Magistrate Judge Thomas Q. Langstaff's August 27, 2012 Report and Recommendation (Doc. 74) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated

¹ The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

therein. Accordingly, Plaintiff's § 1983 Complaint (Doc. 2) and Amended Complaint (Doc. 5) are therefore **DISMISSED** as to Defendant Butler

SO ORDERED, this 20th day of September 2012.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**